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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Kreimer et al.

SC/Serial No.: 10/099,675

Confirm. No.:

Filed: March 15, 2002

Title: ENHANCING SURFACES FOR
ANALYTE DETECTIONPATENT APPLICATION

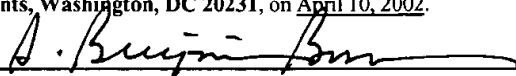
Art Unit: Unknown

Examiner: Unknown

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 (Attorney Signature)
D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: April 10, 2002

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP

§609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

 X **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
— (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

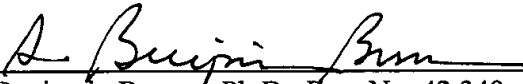
- (1) It is being filed on or before payment of the issue fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

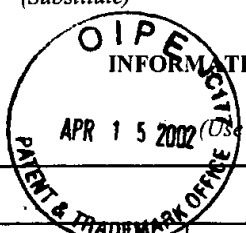
Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: April 10, 2002

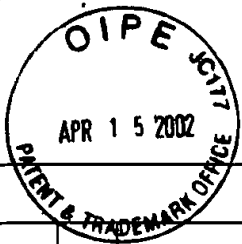
By: 
D. Benjamin Borson, Ph.D., Reg. No. 42,349

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone (415) 362-3800

Form PTO-1449 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number ARBS-1010US1 SRM/DBB		Serial/Patent Number 10,099,675	
 INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>				Applicant/Patent Owner Kreimer, et al.			
				Filing/Issue Date March 15, 2002		Group Art Unit Unknown	
U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		4,483,929	11/20/84	Szoka			
		4,964,457	10/23/90	Leonard, et al.			
		5,112,127	5/12/92	Carrabba et al.			
		5,194,913	3/16/93	Myrick et al.			
		5,255,067	10/19/93	Carrabba et al.			
		5,266,498	11/30/93	Tarcha et al.			
		5,306,403	4/26/94	Vo-Dinh			
		5,334,296	8/2/94	Henkins et al.			
		5,376,556	12/27/94	Tarcha et al.			
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		5,404,218	4/4/95	Nave et al.			
		5,445,972	8/29/95	Tarcha et al.			
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		5,615,673	4/1/97	Berger et al.			
		5,621,522	4/15/97	Ewing et al.			
		5,630,924	5/20/97	Fuchs et al.			
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Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		5,693,152	12/2/97	Carron			
		5,720,339	11/24/98	Glass			
		5,721,102	2/24/98	Vo-Dinh			
		5,783,389	7/21/98	Vo-Dinh			
		5,814,516	9/29/98	Vo-Dinh			
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		5,839,290	11/24/98	Nazeri			
		5,864,397	1/26/99	Vo-Dinh			
		5,866,430	2/2/99	Grow			
		5,891,738	4/6/99	Soini et al.			
		5,938,617	8/17/99	Vo-Dinh			
		6,025,202	2/15/00	Natan			
		6,033,546	3/7/00	Ramsey			
		6,040,906	3/21/00	Harhay			
		6,044,285	3/28/00	Chaiken et al.			
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		6,141,095	10/31/00	Allen et al.			
		6,149,868	11/21/00	Natan et al.			
		6,181,957	1/30/01	Lambert et al.			
		6,274,385	8/14/01	Hochlowski et al.			



U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant

PENDING U.S. PATENT APPLICATIONS					
Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No

FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	<u>Translation</u> Yes No	
		EP 0 587 008	10.02.99	EPO				
		WO 01/06257	25.01.01	PCT				
		WO 98/50777	12.11.98	PCT				
		WO 99/44045	02.09.99	PCT				
		WO 99/44065	02/09/99	PCT				
		WO 01/15288	01.03.01	PCT				
		SU 1064-115 A	12/30/83	Soviet Union				
		JP 59-15792 A	1/26/84	Japan				
		WO 99/67623	29.12.99	PCT				



FOREIGN PATENT DOCUMENTS								
Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Translation		
						Yes	No	
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Examiner

Date Considered

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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